REMARKS/ARGUMENTS

Claims 1-31 are currently pending in the above-identified application. Claims 1, 21-24, and 26 have been amended. In particular, claims 1 and 21-23 have been amended to remove the term "model a crown surface of the tooth," although Applicants expressly reserve the right to pursue claims of a similar scope in a related application. Claims 1, 21-24, and 26 have been further amended to recite "defining a closed cutting surface passing through a line between the gingival and a crown of the tooth, wherein the closed cutting surface comprises a crown portion surrounding the crown of the tooth and a root portion approximating the shape of a root of the tooth." Support for these amendments is found throughout the specification including, for example, at Figures 5, 6, 8A and 8B, as well as at paragraphs 0065-0069 and 0073-0081. As such, no new matter is added by these amendments.

Rejections under 35 U.S.C. §102

Claims 1-31 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Chishti *et al.* (PCT Publication WO 98/58596 cited by applicant).

It is alleged that Chishti *et al.* teaches a computer implemented method, system, computer program on a tangible medium, and computer system of separating a tooth from an adjacent structure, and therefore, anticipates the current invention as set forth in claims 1-31. Applicants respectfully disagree with the rejection of the claims. However, without conceding the correctness of the rejection and while preserving the right to pursue claims of similar scope in a related later-filed, co-pending application, Applicants have amended claims 1, 21-24, and 26 to clarify certain distinctions with the cited reference in order to further expedite prosecution.

As amended, claim 1 is directed to a computer-implemented method for separating gingiva from a tooth on a computer model of the gingiva and the tooth, the method comprising defining a closed cutting surface passing through a line between the gingiva and a crown of the tooth, wherein the closed cutting surface comprises a crown portion surrounding the crown of the tooth and a root portion approximating the shape of the root of the tooth, and applying the cutting surface to the tooth to separate the gingiva from the tooth. Similarly, each of the independent

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claims 21-24, and 26, as amended, also recites the element "defining a closed cutting surface passing through a line between the gingiva and a crown of the tooth, wherein the closed cutting surface comprises a crown portion surrounding the crown of the tooth and a root portion approximating the shape of the root of the tooth," as recited in claim 1.

Chishti fails to teach or suggest each and every element of the methods as defined by independent claims 1, 21-24, and 26. In particular, nowhere does Chishti teach defining a closed cutting surface passing through a line between the gingiva and a crown of the tooth, wherein the closed cutting surface comprises a crown portion surrounding the crown of the tooth and a root portion approximating the shape of the root of the tooth, as required by each of the currently pending claims.

Accordingly, Applicants submit that the cited reference fails to teach each and every element of the claimed invention and, therefore, withdrawal of the rejection of claims 1-31 under 35 U.S.C. § 102(b) is respectfully requested.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Dated: __12|14|05__

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Michael T. Rosato
Reg. No. 52,182

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 206-467-9600
Fax: 415-576-0300
MTR:jms
60636231 v1